

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re: Energy Future Holdings Corp., et al.	:	Bankruptcy Case No. 14-10979
	:	ADV No. 15-50410
Debtors.	:	BAP No. 16-34
Delaware Trust Company,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 16-461-RGA
	:	
Computershare Trust Company, N.A.,	:	
et al.,	:	
	:	
Appellees.	:	

RECOMMENDATION

At Wilmington this **21st** day of **July, 2016**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory

referral for mediation and proceed through the appellate process of this Court. The parties were advised of their right to file objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1. No objections are expected to be filed since the parties jointly requested the matter be removed from mandatory mediation.

The parties further request the following briefing schedule be entered: Appellant's opening brief to be due within forty-five (45) days after entry of an order setting a briefing scheduled; Appellees' answering brief to be due within forty-five (45) days after the date on which Appellant's opening brief is filed and served; and Appellant's reply brief to be due within fifteen (15) days after the filing and service of Appellees' answering brief.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge Mary Pat Thyng